

**Florida Board of Medicine
Rules/Legislative Committee Meeting**



**Peabody Orlando
9801 International Drive
Orlando, FL 32819
(407) 352-4000**

November 29, 2012

MEETING REPORT

1 Roll call 6:25 pm

2

3 **Members Present:**

- 4 Z.P. Zachariah, M.D., Chairman
- 5 Donald Mullins, Consumer Member
- 6 Fred Bearison, M.D.
- 7 Robert Nuss, M.D.
- 8 Onelia Lage, M.D.
- 9 James Orr, Jr., M.D.

Members Absent:

10

11 **Staff Present:**

- 12 Allison M. Dudley, J.D., Executive Director
- 13 Ed Tellechea, Board Counsel
- 14 Donna McNulty, Board Counsel
- 15 Nancy Murphy, Paralegal
- 16 Crystal A. Sanford, CPM, Program Operations Administrator

Others Present:

American Court Reporting

17

18 **Rules Discussion:**

19 **Rules Report1**

20 This report, provided by Ms. Murphy, was provided for informational purposes only.

21

22 No action taken.

23

24 **Rule 64B8-10.003, FAC – Costs for Reproducing Medical Records2**

25 At the last meeting, Cynthia Henderson, Esquire, addressed the Committee regarding the costs
26 that can be charged for reproduction of electronic medical records. She addressed the
27 Committee again regarding her request. She advised that HIPAA requires all electronic medical
28 records be reviewed.

29

30 Mr. Tellechea presented proposed language for the Committee to review.

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1
2 Jon Pellett, Esquire addressed the Committee and stated the Board did not have the authority to
3 charge different prices to different entities. He indicated there are entities that work on behalf of
4 the government that request medical records and would be charged the higher price.

5
6 Mr. Mullins pointed out that often times attorney's request medical records on behalf of the
7 patient and then that cost is passed on to the patient.

8
9 Mr. Tellechea advised one rate for all requestors would simplify rule or the Committee had to
10 option to strike the rule and rely on the statute which requires the actual cost to duplicate the
11 medical record.

12
13 Brigitte Goersch, Consumer Member present at the meeting, addressed the Committee. She
14 suggested staff find out what other state medical boards allow physicians to charge for
15 duplication of medical records.

16
17 A motion was made, seconded and carried unanimously to agree to move forward with one rate
18 for all requesting entities.

19
20 Another motion was made, seconded and carried unanimously to ask Ms. Dudley to look into
21 rates being charged by other entities and report back at the next meeting.

22
23 Dr. Nuss also suggested looking at the cost difference in producing paper copies versus
24 electronic copies.

25
26 **Action taken:** Moving forward to a one rate charge; conduct research on costs and report back at
27 next meeting

28
29 **Rule 64B8-15.002, FAC – Introduction (Standards for Certification of Foreign Medical**
30 **Education Programs)3**

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1 Mr. Tellechea explained JAPC sent letters to the Board regarding various aspects of this rule
2 needing to be revised. The Committee reviewed the proposed changes.

3
4 A motion was made, seconded and carried unanimously to approve the proposed changes.

5
6 A motion was made, seconded and carried unanimously to find the proposed changes would not
7 have an adverse impact on small business nor would the changes be likely to directly or
8 indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate in Florida
9 within one year after implementation of these changes.

10
11 **Action taken:** language approved; no SERC

12
13 **Rule 64B8-35.002, FAC – Standards for Protocols4**

14 Mr. Tellechea explained that the Board’s rule for ARNP protocols is not consistent with the
15 Board of Nursing’s rules regarding protocols. He suggested revising the rule to be consistent.

16
17 A motion was made, seconded and carried unanimously to authorize Mr. Tellechea to notice this
18 rule for development and to bring proposed language to the next meeting.

19
20 **Action taken:** authorized to notice for rule development; bring language next meeting.

21
22 **New Business**

23 Ms. Dudley explained the Florida Academy of Physician Assistants provided a bill they intend to
24 file. She said FAPA had requested feedback from the Committee.

25
26 This matter was tabled until the next meeting.

27
28 **Action taken:** tabled

29
30 The meeting adjourned at 7:17 pm.